

**REMARKS**

The Examiner's rejection of claim 37 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention, is respectfully traversed. Claim 37 has been cancelled without prejudice.

The Examiner's rejection of claims 30-32, 34-37 and 39 under 35 U.S.C. 103(b) as being unpatentable over Joubert and the Derwent abstract for SU 376074A is respectfully traversed. Claim 37 has been cancelled. Claims 30-32, 34-36 and 39 have been amended to specifically recite a building interior that is being decontaminated from anthrax. Joubert is, in applicants' position, a non-analogous reference. There is no suggestion or teaching of decontaminating a building interior containing anthrax spores and using applicants' specifically claimed invention in these claims. Sealing a trough containing sewage, which is not anthrax, contacting the sealed structure with methyl bromide is completely non-analogous and does not suggest or remotely teach or suggest applicants' invention.

The Derwent abstract of SU 376074A teaches deep disinfection of pasture ground infected with malignant anthrax with a gaseous disinfectant such as a mixture of 1:2.5 mixt of ethylene oxide and methyl bromide in combination carried out under a polyamide sheet extended 15 to 20 centimeters above the soil. The disinfectant mixture is poured in liquid form into open vessels placed underneath the polyamide sheet. Penetration into the soil may be facilitated by digging holes into the earth. The disinfectants may penetrate to

a depth of 200 centimeters. There is no suggestion in Derwent to use methyl bromide by itself to disinfect the interior of a building that has been infected with anthrax.

It is applicants' position that it would not have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the Joubert reference with the Derwent abstract, primarily because the combination of these two inventions would not produce applicants' specifically claimed invention. The entire purpose and function of applicants' invention, which has been found to safely decontaminate the interior of a building containing anthrax, is not suggested when considering both of these references together. The references together lack any teaching or suggestion that one of skill in the art would arrive at applicants' specifically claimed invention in these claims.

The Examiner's rejection of claims 30-32, 34-37 and 39 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 through 27 of U.S. Patent No. 6,699,433 is respectfully traversed. Applicants enclose herewith a terminal disclaimer for claims 30-32, 34-36 and 39 to overcome the Examiner's rejection of double patenting. Note that claim 37 has been cancelled.

It is applicants' position that the claims as amended are now allowable over the Examiner's rejections.

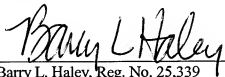
Applicants have previously cancelled claims 1 through 29, 33 and 38. Applicants herewith amend claims 30 through 32 and 34 through 37 and 39 to recite that applicants' method applies specifically to decontaminating a building interior containing *Bacillus anthracis*, commonly referred to as anthrax. None of the references cited by the Examiner teach a method for ridding a building interior or dwelling of the deadly anthrax

bacteria which has become of grave concern to the security of the United States. Applicants have determined that through the method as recited in these amended claims, applicants' method can effectively purge a building interior including its normal contents of Bacillus anthracis in an efficient and low cost manner.

Applicants have amended these claims by replacing "structure" with "building interior." It is believed that the claims are allowable on their face in view of the fact that the prior art does not provide any suggestions for the effective treatment of anthrax in a building interior.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,

A handwritten signature in black ink, reading "Barry L. Haley". The signature is written in a cursive, flowing style. The first name "Barry" is written with a large, prominent "B". The last name "Haley" is written with a large, prominent "H". The middle initial "L." is written in a smaller, more compact style between the first and last names.

Barry L. Haley, Reg. No. 25,339  
Malin, Haley & DiMaggio, P.A.  
1936 S. Andrews Avenue  
Fort Lauderdale, Florida 33316  
Telephone: (954) 763-3303  
Facsimile: (954) 522-6507